

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDGAR TAMPUECO,
Plaintiff,

v.

AMERICAN AIRLINES GROUP, INC.,
Defendant.

Case No. 23-cv-02715-JST

ORDER DISMISSING CASE

Defendant American Airlines Group, Inc. removed Plaintiff Edgar Tampueco's original complaint against it on January 6, 2023. *Tampueco v. American Airlines*, No. 23-cv-0081 (*"Tampueco I"*), ECF No. 1. American Airlines moved to dismiss, and Tampueco filed an opposition ten days after the deadline. *See Tampueco I*, ECF No. 13. The Court ordered Tampueco "to show cause as to why sanctions should not be imposed for his failure to file a timely opposition" and advised that "[f]ailure to file a response by [the deadline] will result in dismissal of the complaint under Rule 41(b) of the Federal Rules of Civil Procedure." *Id.* The Court further explained that it would consider Tampueco's late opposition if he filed a timely response to the order to show cause. *Id.* Tampueco did not respond to the Court's order, and the Court dismissed the case without prejudice on February 22, 2023. *Tampueco I*, ECF No. 14.

Tampueco re-filed his complaint in state court on March 9, 2023.¹ ECF No. 1-1 at 2. American Airlines again removed, ECF No. 1, and moved to dismiss the complaint in its entirety, ECF No. 6. After Tampueco failed to file a timely opposition or statement of nonopposition to the motion, the Court ordered him to "file either a written response showing cause as to why a timely

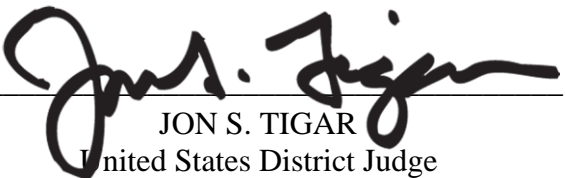
¹ The two complaints appear to be identical. *Compare* ECF No. 1-1 at 2–18 *with Tampueco I*, ECF No. 1-1 at 3–19.

1 opposition was not filed or a statement of nonopposition to the motion.” ECF No. 14. The Court
2 advised that, “[i]f Plaintiff does not file a timely response to this order to show cause, the Court
3 may dismiss this case for failure to prosecute.” *Id.* The deadline to respond has passed, and
4 Tampueco has again failed to respond to an order to show cause from this Court.

5 In light of Tampueco’s repeated failure to respond to orders of this Court, this case is
6 dismissed under Rule 41(b) of the Federal Rules of Civil Procedure. This dismissal “operates as
7 an adjudication on the merits.” Fed. R. Civ. P. 41(b). The Clerk shall enter judgment and close
8 the file.

9 **IT IS SO ORDERED.**

10 Dated: June 30, 2023

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12 JON S. TIGAR
13 United States District Judge
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